

THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION No.26672 OF 2005

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Dated: 14-12-2005

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Between

Bandi Satyanarayana, S/o.Pothuraju, R/o. Veeravasaram, West Godavari District.

...PETITIONER

AND

The Deputy Commissioner of Endowments, Endowments Department, Kakinada, East Godavari District and others.

...RESPONDENTS

ORDER:

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Petitioner seeks a Writ of Mandamus to declare the action of the third respondent in conducting auction in respect of cultivating rights of lands on 09.12.2005 situated in Sy.No.1457 in an extent of Ac.5.00 cents situated at Veeravasaram, Veeravasaram Mandal, West Godavari District as illegal and arbitrary.

Learned counsel for the petitioner submits that without taking recourse to Section 83 of the Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments Act, 1987 (for short 'the Act') evicting the petitioner by conducting auction of the leasehold rights and to cultivate the lands of the third respondent temple is illegal and arbitrary. The learned counsel further submits that the subject matter of this writ petition is similar to the one disposed of by this Court in W.P.No.26408 of 2005 dated 09.12.2005.

Admittedly the petitioner was a previous lessee in respect of the lands of the third respondent temple authorizing him to cultivate the same on payment of maktha. All the leases granted under Section 82 of the Act stands cancelled and therefore, the said lessees cannot be treated as encroachers under Section 83 of the Act.

Following the aforesaid judgment of this Court, this writ petition is dismissed. However, the petitioner states that there exists a standing crop raised by him and it is yet to be harvested within a short period, and if that be so, the petitioner is at liberty to make an application before the third respondent permitting him to harvest the standing crop and on such an application being filed the third respondent may consider and pass appropriate orders in accordance with law.

V. ESWARAI AH, J

December 15, 2005

Note: Furnish C.C. of the order by 16.12.2005

(B/O)

DSK